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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: NYLAND

Examiner: K. ROWAN

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Title: ARM SUPPORT FOR USE WITH A FISHING ROD

CERTIFICATE UNDER 37 CFR 1.8:

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By: 

Name: Anne Lee

REPLY TO EXAMINER'S ANSWER

Mail Stop Appeal Brief-Patents  
Commissioner for Patents  
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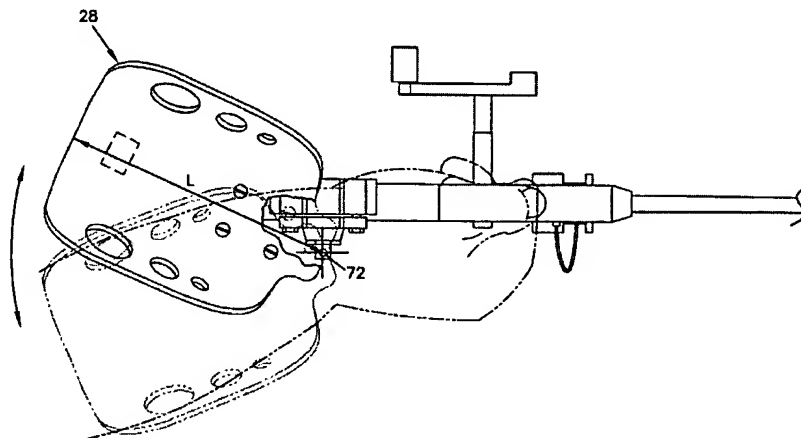
Sir:

I. Background of Invention

Applicant's invention relates to a device for use in supporting a person's forearm as they handle an elongated item such as a fishing rod. Applicant's invention provides the person handling the elongated item with increased leverage. For example, in the case of an angler handling a fishing rod, the forearm support provides the angler with increased leverage for holding the tip of the fishing rod high when playing a fish or setting the hook. Applicant's invention also provides increased comfort, flexibility and ease of use by allowing relative pivotal movement between the elongated item and the person's forearm while maintaining constant support of the forearm.

Applicant's claimed invention has a number of structural features designed to achieve the functionality described above. For example, as shown below, Applicant's device includes a forearm receiving member 28 for receiving a person's forearm. The forearm receiving member 28 has a channel with an open top side. The device also has an upright pivot axis 72 positioned adjacent the front of the forearm receiving member 28.

The positioning of the pivot axis 72 adjacent the front of the forearm receiving member 28 is significant because, in use, it allows the pivot axis 72 to pass through the user's wrist while simultaneously allowing the user to grab the elongated item. With the pivot axis oriented through the user's wrist, the user can generate relative pivotal motion between the forearm receiving member 28 and the elongated item (e.g., a fishing rod) by merely bending his or her wrist. The forearm receiving member 28 has a length L that extends radially outwardly from the pivot axis. This orientation is significant because it allows the forearm receiving member 28 to provide leverage support to the person's forearm without compromising the person's ability to adjust the angle of the elongated item relative to the forearm receiving member by bending their wrist.



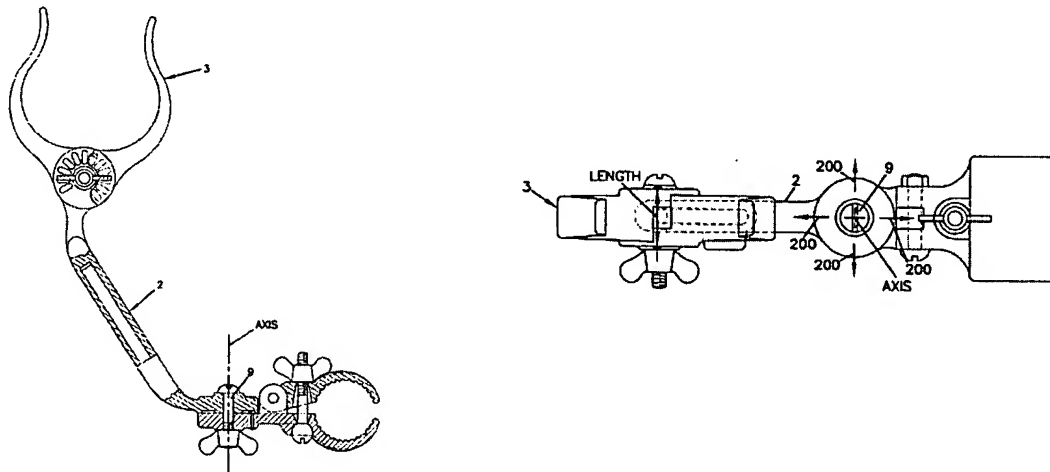
## II. Claim 10

Claim 10 relates to an arm support device including, among other things, the following:

- (1) a forearm receiving member defining a channel elongated along a length that **extends between open front and rear ends** of the forearm receiving member;
- (2) the channel having **an open top side**;
- (3) a pivot axis that extends generally **in an upward/downward direction** and is located **adjacent the front end of the forearm receiving member**; and
- (4) the length of the forearm receiving member extending generally radially outwardly from the pivot axis.

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The above limitations are not disclosed by U.S. Patent No. 2,146,350 to *Roberts*. To meet the above limitations, the device of *Roberts* must have an open top side. For *Roberts* to have an open top side as claimed, the arm cradle 3 of *Roberts* must be pivoted upwardly (see below where the arm cradle 3 is shown pivoted upwardly). In this position, the axis defined by bolt 9 is not adjacent the front of the forearm receiving member as required by claim 10. Also, the length L of the forearm receiver does not extend generally radially outwardly from the axis as required by claim 10. Example lines 200 that do extend radially outwardly from the axis of the bolt 9 are shown in the drawing below. As compared to these lines, the length L clearly does not extend generally radially outwardly from the axis of the bolt since the length is not aligned along a line that would pass generally through the axis.



In answering Applicant's Appeal Brief, the Examiner contended that *Roberts* meets the limitations of claim 10 if the arm cradle 3 is tilted up or down from FIG. 3 of *Roberts*. Applicant acknowledges that *Roberts* can be adjusted a number of ways; for example, by pivoting arm 2 about bolt 9, or by turning the telescopic pieces defining the arm 2 about their central axis to alter the orientation of the arm cradle 3. However, regardless of how *Roberts* is manipulated, the relatively large offset provided between the arm cradle 3 and the fastener 9 by the arm 2 prohibits the axis of the bolt 9 from being positioned adjacent the front end of the arm cradle while the arm cradle is oriented so as to have an open top side. Furthermore, the shape and size of the arm 2 also prohibit the arm cradle 3 from having the combination of an open top side and a length L that extends radially outwardly from the axis defined by the fastener 9.

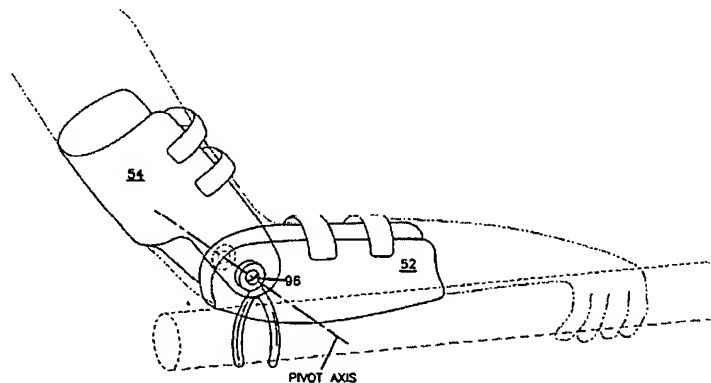
In view of the above remarks, it is submitted that claim 10 is in immediate condition for allowance.

### **III. Claim 23**

Claim 23 relates to an arm support device including, among other things, the following:

- (1) an arm cradle having a base portion and opposing left and right side walls that **define an upwardly facing channel having an open top side;**
- (2) a pivot pin positioned at the front end of the base portion of the cradle;
- (3) the pivot pin including a pivot shaft portion including a pivot axis about which the arm cradle pivots, the pivot shaft portion extending downwardly relative to the arm cradle such that **the pivot axis extends generally in an upward/downward direction.**

*Perry* does not disclose an arm cradle having an open top side and a pivot axis that extends generally in an upward/downward direction, as required by claim 23. In direct contrast, *Perry* discloses a device having a horizontal pivot axis (see below) adapted to extend through a user's elbow. The purpose of the pivot axis is to allow the person to generate relative movement between their forearm and their upper arm. The horizontal pivot axis is defined by horizontal fasteners 96 that connect an upper arm receiver 54 to a lower arm receiver 52. The horizontal fasteners 96 extend through generally upright walls of the arm receivers 52, 54.



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In answering Applicant's Appeal Brief, the Examiner contended that it would have been obvious to move the pivot axis of *Perry* from a horizontal orientation to a vertical orientation. However, if this were to be done, the axis would no longer extend through the person's elbow, and would not allow articulation between the forearm and the upper arm. Hence, this modification would defeat the entire purpose of *Perry*. There is clearly no reasonable motivation for such a change.

In view of the above remarks, it is submitted that claim 23 is in immediate condition for allowance.

#### **IV. Claim 35**

In responding to Applicant's Appeal Brief, the Examiner does not address Applicant's arguments with respect to claim 35. Once again, claim 35 recites the arm support device of claim 23, wherein the pivot pin includes an upper end portion positioned at the bottom base portion of the arm cradle, and a lower end portion defining a pivot shaft portion of the pivot pin, and wherein the upper end portion of the pivot pin is aligned at an obtuse angle relative to the lower end portion of the pivot pin. Neither *Perry* nor *Roberts* disclose anything similar to this structure.

**Conclusion**

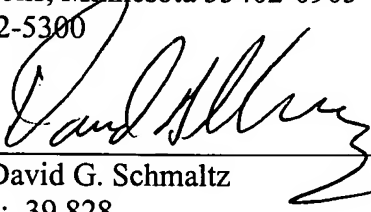
It is earnestly requested that the Examiner's rejections be reversed, and that all of the pending claims be allowed.



Respectfully submitted,

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Dated: March 23, 2007

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